

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

RICHARD KAY, *

Petitioner *

vs. *

FRED BURNETTE, Warden, *

Respondent *

CASE NO. 4:09-CV-42 (CDL)

ORDER ON RECOMMENDATION OF DISMISSAL

This matter is before the Court pursuant to a Recommendation of the United States Magistrate Judge entered on May 15, 2009. Neither party has filed an objection to this Recommendation as permitted by 28 U.S.C. § 636(b)(1), and therefore, the Court reviews the Recommendation for plain error. Finding no plain error or manifest injustice, the Court adopts the Recommendation of the Magistrate Judge and makes it the order of this Court.¹

IT IS SO ORDERED, this 12th day of June, 2009.

S/Clay D. Land
CLAY D. LAND
UNITED STATES DISTRICT JUDGE

¹The Court notes that Petitioner in fact now concurs with the dismissal without prejudice of his petition.